

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: SHAHAR=2

In re Patent of:	)	Conf. No.: 7189
)	
SHAHAR et al.)	
)	
Patent No.: 7,058,441	)	Washington, D.C.
)	
Issued: June 6, 2006	)	September 10, 2007
)	
For: OPTICAL MEASURING SYSTEM)	
FOR DIAGNOSING EAR	)	ATTN: Certificate of
CONDITIONS	)	Correction Division

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. §1.322

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Post Issue
401 Dulany Street
Alexandria, VA 22314

Sir:

In checking over the printed copy of the above-identified patent, we have found the following error that is the fault of the Patent and Trademark Office. It is respectfully requested that this error be corrected in accordance with 37 CFR §1.322(a). The error to be corrected is listed below.

1) On the cover, section 75, in the list of inventors delete "Meir Tenne, Yogneam Village (IL)" and insert --Victor Alchanatis (IL); Ze'ev Schmilovitch (IL)--.

In re of U.S. Patent 7,058,441

We are attaching one copy of the Certificate of Correction form.

In accordance with MPEP §1480.01, in an effort to expedite processing of this request, also attached hereto are copies of an amendment under 35 USC 116 and 37 CFR 1.48(a)(1) requesting correction of inventorship and a date-stamped USPTO postcard indicating that said amendment was filed on November 23, 2004, and received by the PTO.

Granting of this request is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By


Jay M. Finkelstein
Registration No. 21,082

:dtb

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,058,441
APPLICATION NO.: 09/987,685
ISSUE DATE : June 6, 2006
INVENTOR(S) : SHAHAR et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

1) On the cover, section 75, in the list of
inventors delete "Meir Tenne, Yoqneam Village (IL)" and insert
--Victor Alchanatis (IL); Ze'ev Schmilovitch (IL)--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
624 Ninth Street, NW
Suite 300
Washington, DC 20001-5303

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

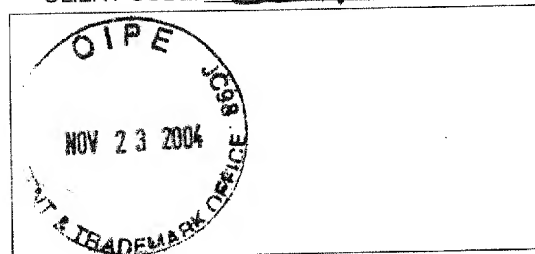
COPY

APPLICATION/PATENT NO: 09/A87,685
DOCKET NO: SHAHAR=2

CONF. NO.: 7189
CLIENT CODE: COHN

THE PATENT AND TRADEMARK OFFICE STAMP
HEREON ACKNOWLEDGES RECEIPT OF THE
FOLLOWING PAPERS:

- ☒ FEES \$ 130.00 PTO FORM 2038
☐ EXTENSION OF TIME (____ MONTHS)
☐ TRANSMITTAL LETTER
☐ MISSING PARTS RESPONSE WITH DECL
☒ ~~AMENDMENT~~ RESPONSE (circle one)
☐ PRELIMINARY ☐ SUPPLEMENTAL
☐ APPLICATION DATA SHEET
☐ RESTRICTION/ELECTION REPLY
☐ SEQUENCE LISTING ☐ WITH DISK
☐ RCE TRANSMITTAL
☐ REQUEST FOR STATUS
☐ NOTICE OF APPEAL
☐ APPEAL BRIEF/REPLY BRIEF (TRIPPLICATE)
☐ REQUEST & CERTIFICATE OF CORRECTION
☒ OTHER Statement Under 37 C.F.R. 1.48(a)
Consent of Assignee



- ☐ ASSIGNMENT
☐ INFORMATION DISCLOSURE STATEMENT
☐ FORM SB08A & _____ PATENTS/PUBS
☐ PRIORITY DOCUMENT(S) NO. _____
☒ DECLARATION UNDER § _____
☐ _____ SHEETS OF FORMAL DRAWINGS
☐ ISSUE FEE TRANSMITTAL FORM
☐ PUBLICATION FEE
☐ MAINTENANCE FEE LETTER

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: SHAHAR=2

In re Application of:	)	Confirmation No.: 7189
)	
Menashe SHAHAR	)	Art Unit: 3737
)	
Appln. No.: 09/987,685	)	Examiner: SHAW, S. J.
)	
Filed: November 15, 2001	)	Washington, D.C.
)	
For: DIAGNOSTIC SYSTEM FOR...	)	November 23, 2004

AMENDMENT UNDER 35 U.S.C. 116 and 37 C.F.R.
1.48(a)(1)

Honorable Commissioner for Patents
220 20th Street South
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

It is hereby requested that the inventorship for the
above-identified application be corrected by deleting from the
listing of inventors:

Mier Tenne

and adding to the list of inventors

Victor Alchanatis; and

Ze'ev Schmilovitch.

Submitted herewith is a Statement under 37 C.F.R.
1.48(a)(2), a new Declaration under 37 C.F.R 1.48(a)(3) and

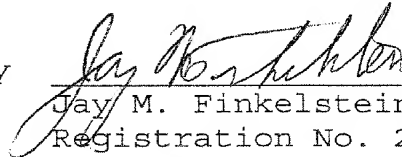
Appln. No. 09/987,685
Amd. dated 11/23/2004

1.63, a Consent of Assignee under 37 C.F.R. 3.73 and the
required processing fee.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By


Jay M. Finkelstein
Registration No. 21,082

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: SHAHAR=2

In re Application of:)	Confirmation No.: 7198
)	
Menashe SHAHAR	)	Art Unit: 3737
)	
Appln. No.: 09/987,685	)	Examiner: SHAW, S. J.
)	
Filed: November 15, 2001	)	Washington, D.C.
)	
For: DIAGNOSTIC SYSTEM FOR	)	June 2, 2004
THE EAR)	
)	

STATEMENT UNDER 37 C.F.R. 1.48(a)

Honorable Commissioner for Patents
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

The undersigned, Meir Tenne, Victor Alchanatis and Ze'ev
Schmilovitch declare and state the following:

Undersigned Meir Tenne declares and states that
he was incorrectly named as an inventor in
connection with the above-identified application,
that he is to be deleted as an inventor, and that
the error in inventorship, i.e. the error in naming
him as an inventor, occurred without deceptive
intention on his part;

Undersigned Victor Alchanatis and Ze'ev
Schmilovitch each declares that he is an inventor of

the subject matter disclosed and claimed in the above-identified application and that the error in inventorship, i.e. the failure to name him as an inventor in the declaration under 37 C.F.R. 1.63, filed on January 29, 2002, was without deceptive intention on his part.

Respectfully submitted,

By

Meir Tenne

Date 18.7.2004

By

V. Alchanatis

Date 17/6/2004

By

Ze'ev Schmilovitch

Date 17/6/2004

JMF:mch

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

G:\BN\C\cohn\Shahar2\STATEMENT 2 JUN 04.doc

Combined Declaration for Patent Application and Power of Attorney

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

DIAGNOSTIC SYSTEM FOR THE EAR

the specification of which (check one)

- [] is attached hereto;
[X] was filed in the United States under 35 U.S.C. §111 on November 15, 2001, as
U.S. Appln. No. 09/987,685 *; or
[] was/will be filed in the U.S. under 35 U.S.C. §371 by entry into the U.S. national stage of an international
(PCT) application; filed, entry requested on *; national stage application received U.S. Appln. No.
*; §371/§102(e) date * (* if known)

and was amended on April 6, 2004 (if applicable).

(include dates of amendments under PCT Art. 19 and 34 if PCT)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and I acknowledge the duty to disclose to the Patent and Trademark Office (PTO) all information known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119 (a)-(d) and 365 (b) of any prior foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or under §365(a) of any PCT application which designated at least one country other than the U.S., listed below:

Application No.	Country	Filing Date (MM/DD/YYYY)
<u>60/248,593</u>	<u>U.S.</u>	<u>November 16, 2000</u>

If I claimed foreign priority above, I hereby identify below any foreign application for patent (including an international (PCT) application designating a country other than the United States) or for an inventor's or plant breeder's certificate, having a filing date before that of the earliest application from which foreign priority is claimed (if left blank, then there are none):

Non-Priority Application No.	Country	Filing Date (MM/DD/YYYY)
<u></u>	<u></u>	<u></u>

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional applications listed below:

Application No.	Filing Date (MM/DD/YYYY)
<u></u>	<u></u>

I hereby claim the benefit under 35 U.S.C. §120 of any prior U.S. non-provisional application(s) or under §365(c) of any prior PCT international application(s) designating the U.S., listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such U.S. or PCT international application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the PTO all information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date (MM/DD/YYYY)	Status (patented, pending, abandoned)
<u></u>	<u></u>	<u></u>

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

All of the practitioners associated with Customer Number 001444

Direct all correspondence to the address associated with Customer Number 001444, which is presently:

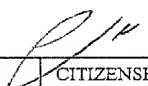
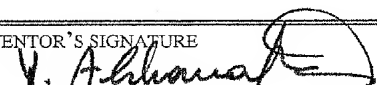
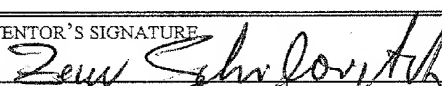
BROWDY AND NEIMARK, P.L.L.C.
624 Ninth Street, N.W.
Washington, D.C. 20001-5303
(202) 628-5197

Title: DIAGNOSTIC SYSTEM FOR THE EARU.S. Application filed November 15, 2001, Serial No. 09/987,685

PCT Application filed _____, Serial No. _____

The undersigned hereby authorizes the U.S. Attorneys or Agents appointed herein to accept and follow instructions from _____ as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. Attorneys or Agents and the undersigned. In the event of a change of the persons from whom instructions may be taken, the U.S. Attorneys or Agents appointed herein will be so notified by the undersigned.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST INVENTOR Menashe SHAHAR	INVENTOR'S SIGNATURE 	DATE 9.6.2004
RESIDENCE Moshav Korazim, ISRAEL	CITIZENSHIP ISRAELI	
POST OFFICE ADDRESS Moshav Korazim, ISRAEL		
FULL NAME OF SECOND JOINT INVENTOR Victor ALCHANATIS	INVENTOR'S SIGNATURE 	DATE 17.6.2004
RESIDENCE Ra'anana, ISRAEL	CITIZENSHIP ISRAELI	
POST OFFICE ADDRESS 7/16 Menachem Begin, 43722, Ra'anana, ISRAEL		
FULL NAME OF THIRD JOINT INVENTOR Ze'ev SCHMILOVITCH	INVENTOR'S SIGNATURE 	DATE 17/6/2004
RESIDENCE Yehud, ISRAEL	CITIZENSHIP ISRAELI	
POST OFFICE ADDRESS 3 Begin Street, Yehud, 56478, ISRAEL		
FULL NAME OF FOURTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF FIFTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF SIXTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		

ALL INVENTORS MUST REVIEW APPLICATION AND DECLARATION BEFORE SIGNING. ALL ALTERATIONS MUST BE INITIALED AND DATED BY ALL INVENTORS PRIOR TO EXECUTION. NO ALTERATIONS CAN BE MADE AFTER THE DECLARATION IS SIGNED. ALL PAGES OF DECLARATION MUST BE SEEN BY ALL INVENTORS.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: SHAHAR=2

In re Application of:	)	Art Unit: 3737
)	
Menashe SHAHAR et al	)	Examiner: S. SHAW
)	
Appln. No.: 09/987,685	)	Washington, D.C.
)	
Filed: November 15, 2001	)	November 22, 2004
)	
For: DIAGNOSTIC SYSTEM FOR THE)	
EAR)	
)	

CONSENT OF ASSIGNEE

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Chameleon Medical Innovation Ltd, a corporation
having a principal place of business at Lod, Israel
(hereinafter "Chameleon"), hereby certifies that it is the
assignee of the entire right, title and interest of the above-
identified patent application by virtue of an assignment from
inventor Menashe SHAHAR, to A.B.Y. Shachar Initial diagnosis
Ltd. recorded January 29, 2002, at Reel 012538, Frame 0314, a
change of name to Chameleon, recorded November 12, 2004, at
Reel 015354, Frame 0376 and an assignment from added inventors
Victor ALCHANATIS and Ze'ev SCHMILOVITCH, to Chameleon,
recorded November 16, 2004, at Reel 015365, Frame 0484.

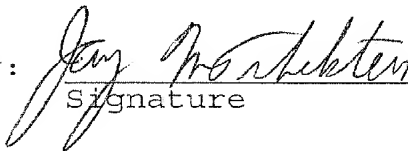
The undersigned has reviewed all the documents in
the chain of title of the patent application identified above

In re of Appln. No. 09/987,685

and, to the best of undersigned's knowledge and belief, title is in the assignee identified above. The undersigned (whose title is supplied below) is empowered to sign this document on behalf of the assignee.

Chameleon hereby consents to the addition of Victor ALCHANATIS and Ze'ev SCHMILOVITCH as joint inventors and the deletion of Meir Tenne as an inventor in this case.

{Chameleon Medical Innovation Ltd }

By: 
Signature

Jay M. Finkelstein
Name of Person Signing

Attorney of record
Title of Person Signing

22 Nov 04
Date

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